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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 SPACE DATA CORPORATION,
18 Plaintiff,
19 v.
20 ALPHABET INC., GOOGLE LLC, AND
LOON LLC,
21 Defendants.
22

Case No. 5:16-cv-03260-BLF (NMC)

**DEFENDANTS ALPHABET INC.,
GOOGLE LLC, AND LOON LLC'S
ADMINISTRATIVE MOTION TO
FILE UNDER SEAL DEFENDANTS'
CORRECTED MOTION FOR
SUMMARY JUDGMENT**

Judge: Hon. Beth Labson Freeman

Date Filed: June 13, 2016

Trial Date: August 5, 2019

Pursuant to the Northern District of California’s Civil Local Rules 7-11 and 79-5 and the Court’s October 19, 2017 Order, Dkt. No. 170, defendants Alphabet Inc., Google LLC, and Loon LLC (collectively, “Google”) respectfully submit this administrative motion to file under seal the following portions of Google’s Corrected Motion for Summary Judgment:¹

Documents	Portions to be Sealed	Parties Claiming Confidentiality
Google’s Corrected Motion for Summary Judgment	Highlighted portions	Space Data (19:1–2) Google (all other highlighted portions)

Because this Motion to Seal relates to Google’s Motion for Summary Judgment, the information listed above that the parties request to file under seal are subject to a “compelling reasons” standard. *See Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178–79 (9th Cir. 2006). Civil Local Rule 79-5 further requires that a party seeking to seal information and documents “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law.” Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

Compelling reasons exist where, as here, court filings contain or discuss confidential source code relating to Project Loon, *see Apple, Inc. v. Samsung Electronics Co., Ltd.*, No. 11-cv-1846, D.I. 2190 at *3 (Dec. 10, 2012); information about Defendants’ and Project Loon’s confidential “business performance, structure, and finances that could be used to gain unfair business advantage against them,” *Schwartz v. Cook*, No. 15-cv-03347-BLF, 2016 WL 1301186, at *2 (N.D. Cal. Apr. 4, 2016); “highly sensitive information regarding [Project Loon’s] product architecture and development,” *Delphix Corp. v. Actifio, Inc.*, No. 13-cv-04613-BLF, 2014 WL 4145520, at *2 (N.D. Cal. Aug. 20, 2014); documents containing confidential information about Defendants’ and Project Loon’s “business practices, recruitment efforts, and discussions

¹ The Corrected Motion for Summary Judgment corrects a page-numbering error in the Motion for Summary Judgment filed by Google on January 11, 2019. *See* ECF Nos. 407–411. The Werdegar Declaration in Support of the Motion for Summary Judgment, Hansman Declaration in Support of the Motion for Summary Judgment, and exhibits thereto are unchanged and are not being re-filed with this corrected brief.

1 regarding potential partnerships with other product manufacturers,” *see Koninklijke Philips N.V.*
2 *v. Elec-Tech International Co., Ltd.*, No. 14-cv-02737-BLF, 2015 WL 581574, at *1–2 (N.D. Cal.
3 Dec. 10, 2015); and/or “information regarding non-public recruitment efforts and business
4 practices” of Defendants. *See id.* at *2–3.

5 Google’s proposed redactions to the Corrected Motion for Summary Judgment have been
6 narrowly tailored under Civil Local Rule 79-5(b) to redact sensitive technical and business
7 information of the nature described above. Google has provided specific compelling reasons to
8 support sealing Google confidential information in the Corrected Motion for Summary Judgment
9 in the supporting declaration submitted herewith. *See* Declaration of Rosa Yaghmour ¶ 8.²

10 The Corrected Motion for Summary Judgment also contains information that Space Data
11 designated as confidential under the Protective Order. Google takes no position on whether such
12 information should be filed under seal, and is filing that material under seal as required by Civil
13 Local Rule 79-5(e). Google expects that Space Data will submit a supporting declaration under
14 Civil Local Rule 79-5(e)(1) if it seeks to keep that material under seal.

15 Google submits, along with this administrative motion, the declaration of Rosa Yaghmour
16 and a Proposed Order.

17
18 Dated: January 15, 2019

Respectfully submitted,

KEKER, VAN NEST & PETERS LLP

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28 ² The Yaghmour Declaration was submitted at ECF No. 407-1 in support of the motion to seal
Google’s Motion for Summary Judgment. Paragraph 8 of the Yaghmour Declaration applies
equally to the Corrected Motion for Summary Judgment because the corrections to the brief did
not change the nature of information Google seeks leave to file under seal.